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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA  
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8 SHANE BROOKS,  
9 Plaintiff,

Case No. 3:15-cv-00449-RCJ-VPC

10 v.

**Order**

11 RENEE BAKER, et al.,  
12 Defendants.  
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16 **I. DISCUSSION**

17 This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a  
18 state prisoner. On February 12, 2016, the Court issued an order dismissing the complaint  
19 with leave to amend and directed Plaintiff to file an amended complaint within thirty days.  
20 (ECF No. 4 at 11-12). Plaintiff has filed an “emergency motion” requesting an extension to  
21 file his amended complaint. (ECF No. 7). On April 6, 2016, the Court issued an order  
22 granting in part and denying in part Plaintiff’s request for an extension. (ECF No. 8). The  
23 Court ordered Plaintiff to file his amended complaint within thirty days from the date of entry  
24 of the April 6, 2016 order. (*Id.* at 4:12-13). The Court specifically stated that “[n]o further  
25 extension shall be provided.” (*Id.* at 4:13). The thirty-day period has now expired, and  
26 Plaintiff has not filed an amended complaint or otherwise responded to the Court’s order.

27 District courts have the inherent power to control their dockets and “[i]n the exercise  
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1 of that power, they may impose sanctions including, where appropriate . . . dismissal” of a  
2 case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).  
3 A court may dismiss an action, with prejudice, based on a party’s failure to prosecute an  
4 action, failure to obey a court order, or failure to comply with local rules. See *Ghazali v.*  
5 *Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik*  
6 *v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (dismissal for failure to comply with an  
7 order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir.  
8 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court  
9 apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987)  
10 (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424  
11 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

12 In determining whether to dismiss an action for lack of prosecution, failure to obey a  
13 court order, or failure to comply with local rules, the court must consider several factors: (1)  
14 the public’s interest in expeditious resolution of litigation; (2) the court’s need to manage its  
15 docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of  
16 cases on their merits; and (5) the availability of less drastic alternatives. *Thompson*, 782 F.2d  
17 at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-  
18 61; *Ghazali*, 46 F.3d at 53.

19 In the instant case, the Court finds that the first two factors, the public’s interest in  
20 expeditiously resolving this litigation and the Court’s interest in managing the docket, weigh  
21 in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs in favor of  
22 dismissal, since a presumption of injury arises from the occurrence of unreasonable delay in  
23 filing a pleading ordered by the court or prosecuting an action. See *Anderson v. Air West*, 542  
24 F.2d 522, 524 (9th Cir. 1976). The fourth factor – public policy favoring disposition of cases  
25 on their merits – is greatly outweighed by the factors in favor of dismissal discussed herein.  
26 Finally, a court’s warning to a party that his failure to obey the court’s order will result in  
27 dismissal satisfies the “consideration of alternatives” requirement. *Ferdik*, 963 F.2d at 1262;

1 *Malone*, 833 F.2d at 132-33; *Henderson*, 779 F.2d at 1424. The Court's order granting in part  
2 Plaintiff's request for an extension expressly stated: "IT IS FURTHER ORDERED that if  
3 Plaintiff chooses not to file an amended complaint curing the stated deficiencies of the  
4 complaint, this action shall be dismissed." (ECF No. 8 at 4:20-21). Thus, Plaintiff had  
5 adequate warning that dismissal would result if no amended complaint was timely filed.

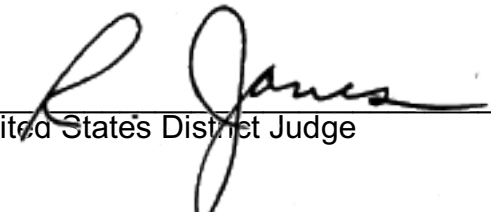
6 **II. CONCLUSION**

7 For the foregoing reasons, IT IS ORDERED that this action is dismissed without  
8 prejudice based on Plaintiff's failure to file an amended complaint.

9 IT IS FURTHER ORDERED that Plaintiff's application for leave to proceed *in forma*  
10 *pauperis* (ECF No. 1) is DENIED as moot.

11 IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment  
12 accordingly.

13 DATED: This 7<sup>th</sup> day of June, 2016.

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United States District Judge  
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